



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,406	11/03/2000	Joseph B. Glaab	GIC-495.1	6750

7590 11/18/2004

Barry R Lipsitz
Law Offices of Barry R Lipsitz
755 Main Street Building 8
Monroe, CT 06468

EXAMINER

SRIVASTAVA, VIVEK

ART UNIT PAPER NUMBER

2611

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/705,406	Applicant(s) GLAAB ET AL. AM	
	Examiner Vivek Srivastava	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Double Patenting

Claims 1 - 26 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 15 of U.S. Patent No. US 6,169,584. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to modify patent US 6,169,584 to get the instant invention.

Regarding claim 1, claim 1 of the instant application corresponds to claims 1 and 6 in patent 6,169,584. Claims 1 in the instant application is a broader recitation of claims 1 and 6 in patent 6,169,584, therefore it would have been obvious to modify claims 1 and 6 in patent 6,169,584 to get claim 1 in the instant application. Claim 1 in the instant application further recites the periodically repeating steps (a) through (e). It would have been obvious to modify claim 1 in the instant application to include the claimed limitation to continuously adjust the depth of modulation to provide a more correct and accurate output.

Claim 2 in the instant application corresponds to and equates to claim 2 in patent 6,169,584.

Claim 3 in the instant application corresponds to and equates to claim 3 in patent 6,169,584.

Claim 4 in the instant application corresponds to and recites the same limitations as found in claim 1 in 6,169,584.

Claim 5 in the instant application corresponds to and recites the same limitations as found in claim 1 in 6,169,584.

Claim 6 in the instant application corresponds to and equates to claim 4 in patent 6,169,584.

Claim 7 in the instant application corresponds to and equates to claim 5 in patent 6,169,584.

Claim 8 in the instant application corresponds to and equates to claim 6 in patent 6,169,584.

Claim 9 in the instant application corresponds to and equates to claim 6 in patent 6,169,584.

Claim 10 in the instant application corresponds to and equates to claim 8 in patent 6,169,584.

Claim 11 in the instant application corresponds to and equates to claim 9 in patent 6,169,584.

Claim 12 in the instant application corresponds to and equates to claim 10 in patent 6,169,584.

Claim 13 in the instant application corresponds to and equates to claim 11 in patent 6,169,584.

Claim 14 in the instant application corresponds to and equates to claim 12 in patent 6,169,584.

Claim 15 in the instant application corresponds to and equates to claim 13 in patent 6,169,584.

Claim 16 in the instant application corresponds to and equates to claim 14 in patent 6,169,584.

Claim 17 in the instant application corresponds to and equates to claim 15 in patent 6,169,584.

Claim 18 in the instant application corresponds to claim 1 in patent 6,169,584, however, claim 18 in the instant application includes the added limitation of wherein step (f) is performed on a rotating basis among the plurality of video signals. It would have been obvious to modify claim 1 in patent 6,169,584 to include the added limitation to ensure that the adjusting the depth of modulation is performed on the plurality of video signals entering the system.

Regarding claim 19, claim 1 of the instant application corresponds to claim 1 in patent 6,169,584. Claim 1 in the instant application is a broader recitation of claim 1 in patent 6,169,584, therefore it would have been obvious to modify claim 1 in patent 6,169,584 to get claim 1 in the instant application. Claim 1 in the instant application further recites the periodically repeating steps (a) through (e). It would have been obvious to modify claim 1 in the instant application to include the claimed limitation to continuously adjust the depth of modulation to provide a more correct and accurate output.

Regarding claim 20, claim 20 in the instant application corresponds to claim 1 in patent 6,169,584. Claim 20 in the instant application further recites providing a

corresponding RF amplitude control signal from a charge pump responsive to the adjustment signal. It would have been obvious to modify claim 1 in patent 6,169,584 to include the claimed limitation to enable controlling the depth of modulation by including the claimed RF amplitude control signal to optimally adjust the depth of modulation of a video signal.

Claim 21 in the instant application corresponds to claim 1 in patent 6,169,584, however, claim 18 in the instant application includes the added limitation of wherein step (f) is performed on a rotating basis among the plurality of video signals. It would have been obvious to modify claim 1 in patent 6,169,584 to include the added limitation to ensure that the adjusting the depth of modulation is performed on the plurality of video signals entering the system.

Regarding claim 22, claim 22 in the instant application corresponds to claim 1 in patent 6,169,584. Claim 22 in the instant application further recites converting the error signal for each said plurality of video signals to corresponding adjustment signals in a time sharing manner. It would have been obvious to modify claim 1 in patent 6,169,584 to include the plurality of video signals to ensure that the adjusting the depth of modulation is performed on the plurality of video signals entering the system. Claim 22 in the instant application further recites providing a corresponding RF carrier level control signal from a charge pump responsive to the adjustment signal. It would have been obvious to modify claim 1 in patent 6,169,584 to include the claimed limitation to enable controlling the depth of modulation by including the claimed RF amplitude control signal to optimally adjust the depth of modulation of a video signal.

Claim 23 in the instant application corresponds to and equates to claim 9 in patent 6,169,584.

Claim 24 in the instant application corresponds to and equates to claim 11 in patent 6,169,584.

Claim 25 in the instant application corresponds to and equates to claim 12 in patent 6,169,584.

Claim 26 in the instant application corresponds to and equates to claim 14 in patent 6,169,584.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "said plurality of video signal" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim because independent claim 1, from which claim 18 depends, only recites "video signal".

Claim 21 recites the limitation "said plurality of video signals" in line 4. There is insufficient antecedent basis for this limitation in the claim because independent claim 19, from which claim 21 depends, only recites "video signal".

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hedberg et al (4,870,370) – Two stage automatic gain control

Grunwell (5,499,392) – Variable response time for filtering an input signal

Carpenter et al (3,753,123) – Signal sorting system

Braathen et al (4,952,886) – RF power-control circuit

Sokal et al (3,900,823) – Amplifying and processing modulated carrier signals

Seki et al (5,771,224) – FDM transmission system

Dann (3,697,673) – Correcting angular errors in color video signals

Engel et al (4,344,084) – VIR correction system


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305-4038. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

Art Unit: 2611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
11/12/04



VIVEK SRIVASTAVA
PRIMARY EXAMINER